

HOUSE BILL 1421
By Kent

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 14, relative to certain establishments selling food which provide delivery services for its food product.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 14, is amended by adding Sections 2 through 7 of this act as a new part.

SECTION 2. For purposes of this act the term "food service establishment" includes those food service establishments, as defined in §68-14-302, which prepare food to be eaten on or off the premises and provide delivery services for its food product.

SECTION 3. Every food service establishment delivery vehicle, whether owned by the establishment or personally owned by the employee operating the vehicle, shall be clearly marked with:

- (1) the name and/or logo of the food service establishment;
- (2) the phone number of the establishment; and
- (3) an employee identification number of the employee operating the vehicle.

SECTION 4. (a) Liability insurance coverage shall be maintained on each vehicle owned by a food service establishment if the vehicle is used in the delivery of its products. Such liability insurance coverage shall be not less than those amounts required to meet proof of financial responsibility as defined in §55-12-102(12)(C). No employee shall be authorized to use such employee's personal vehicle unless the employee provides written proof of liability

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insurance coverage to the food service establishment in such amounts. Such written proof shall be presented at the time the person is hired to provide delivery services and at least quarterly thereafter while employed in such capacity.

(b) Each person hired to provide delivery services for a food service establishment must have a satisfactory driving record. If a person has proof of insurance coverage, such person shall be deemed to have a satisfactory driving record. Provided, however, a person who has obtained insurance coverage through a high-risk insurance pool shall not be deemed to have a satisfactory driving record.

SECTION 5. Each person hired by a food service establishment to provide delivery services for its food product, shall complete a minimum two (2) hour mandatory safe-driving program conducted by the food service establishment which meets the requirements of a program developed by the commissioner of safety in consultation with the commissioner of health. The training program shall emphasize the legal and practical effects of disregarding speed limits, stop signs and other rules of the road and shall focus on the common sense use of a vehicle in residential neighborhoods.

SECTION 6. (a) Each food service establishment shall maintain accurate and current files on each employee hired to provide delivery services which verify that the employee has met the requirements of this act. Such files shall be maintained by the food service establishment and shall be open for inspection by the commissioner of health or the commissioner's authorized agent.

(b) A fine not to exceed five hundred dollars (\$500) for each violation shall be assessed by the commissioner or the commissioner's authorized agent after providing an opportunity for a hearing; provided, however, in addition to assessing such fines, the commissioner or the commissioner's authorized agent may revoke a permit for repeated violations of the requirements of this act or for interference with the commissioner or the commissioner's agent in the performance of such official's duty.

SECTION 7. The commissioner of health is authorized to promulgate necessary rules and regulations in accordance with the uniform administrative procedures act, compiled in title 4, chapter 5 to implement the provisions of this act.

SECTION 8. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 1997, the public welfare requiring it.